

REMARKS

This Amendment is in response to the Office Action mailed March 23, 2004. The Office Action rejected claims 1, 2, 6, and 27-28 under 35 U.S.C. §102 and 3-5, 7-26. Claims 2, 4, 5, 6, 7, 16, 18, 26, and 27 have been amended. Claim 1 has been cancelled. Claims 2-28 remain pending in the application. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

Drawings

The Office Action noted that Figures 1A-1B should be designated by a legend, such as Prior Art, because only that which is old is illustrated therein.

Applicant herein submits, by a separate document, a correction of drawings to include the notation of "Prior Art" with Figures 1A-1B.

Objections

The Office Action objected to claim 5 due to an informality in the claim language.

Applicant has amended claim 5 to replace the words "the body based on the plurality of object images" with "the iris" to correct this informality.

Rejections Under 35 U.S.C. § 102

The Office Action rejected claims 1-2, 6, and 27, 28 under 35 U.S.C. §102(b) as being anticipated by Flom et al. (U.S. Pat. No. 4,641,349).

The Office Action rejected claim 18 under 35 U.S.C. §102(b) as being anticipated by Itsumi et al. (U.S. Pat. No. 5,559,504).

Applicant traverses this rejection in its entirety.

Claim 1 has been cancelled.

To more clearly claim that which the Applicant considers a novel aspect of the invention, Claims 2, 18 and 27 have been amended to recite "a guide display means for displaying a guide layered over the object image, the guide showing an outline of the body part in proper position before obtaining the object image." This feature is disclosed by Figure 9 of the present application where the guide image is displayed first (S300), and then a biometric image is obtained (S302).

Flom et al. (U.S. Pat. No. 4,641,349) teaches a technique of imaging the iris after the pupil reaches a predetermined size by controlling luminance of light with which the eye is illuminated. On the other hand, the present invention relates to a technique of displaying a guide image for guiding the person being tested so that the object is in the proper position in terms of the guide image.

The claimed technique of showing the guide image to the person being tested is not taught in Flom. As noted by the application, the present invention first reads outline data for a body part (e.g., iris) from a reference and displays the outline as a red line drawing (guide image) (Page 18, lines 22-27). Flom, on the other hand, displays an image of the captured object (i.e., iris 30) (Figure 9) not a guide image as claimed. Thus, Flom never uses a guide image as claimed. Additionally, the technique of the present invention may be applied to imaging of an object other than the iris, and therefore has a high versatility, which Flom does not.

Therefore, independent claims 2 and 27 of the present application are distinguishable and allowable over Flom. Applicant respectfully requests that the Examiner withdraw the rejection

of claims 2, 6, 27 and 28 under 35 U.S.C. § 102(b) as being anticipated by Flom et al. (U.S. Pat. No. 4,641,349).

As to claim 18, Itsumi et al. (U.S. Pat. No. 5,559,504) discloses a technique for obtaining the fingerprint using the pressure-sensitive sheet and for displaying a position where to put the finger by printing a mark showing an outline of the finger (Figure 8). Even though Itsumi would be effective in obtaining the biometric data using the pressure-sensitive sheet, the technique of printing a mark can not be applied in a case in which the biometric data is obtained by imaging as in the present application. Further, Itsumi's disclosure is an inflexible technique specifically invented for obtaining fingerprints and it is not possible to apply to imaging of the iris.

Applicant submits that, as a result of the amendment and differences discussed above, independent claim 18 is patentably distinguishable over the cited references.

Therefore, independent claim 18 of the present application is distinguishable and allowable over Itsumi et al.. Applicant respectfully requests that the Examiner withdraw the rejection of claim 18 under 35 U.S.C. § 102(b) as being anticipated by Itsumi et al. (U.S. Pat. No. 5,559,504).

Rejections Under 35 U.S.C. § 103

The Office Action rejected Claim 3 under 35 U.S.C. §103(a) as being unpatentable over Flom et al. in view of Ito (U.S. Pat. No. 6,526,160).

The Office Action also rejected Claims 4-5 under 35 U.S.C. §103(a) as being unpatentable over Flom et al. in view of Steinberg et al. (U.S. Pat. No. 6,433,818).

The Office Action also rejected Claims 7-11 under 35 U.S.C. §103(a) as being unpatentable over Flom et al. in view of Fleming (GB Patent Application Publication 2,229,305).

The Office Action also rejected Claims 12-13 under 35 U.S.C. §103(a) as being unpatentable over Flom et al in view of Brown et al. (U.S. Pat. No. 6,618,806).

The Office Action also rejected Claims 14-17 and 26 under 35 U.S.C. §103(b) as being unpatentable over Flom et al. in view of Pare et al. (U.S. Patent No. 5,802,199).

The Office Action also rejected Claim 19 under 35 U.S.C. §103(a) as being unpatentable over Flom et al. in view of Musgrave et al. (U.S. Pat. No. 6,377,699).

The Office Action also rejected Claim 20 under 35 U.S.C. §103(a) as being unpatentable over Flom et al. in view of Oda et al. (U.S. Pat. No. 6,591,001).

The Office Action also rejected Claim 21 under 35 U.S.C. §103(a) as being unpatentable over Flom et al. in view of Cambier et al. (U.S. Pat. No. 6,532,298).

The Office Action also rejected Claim 22 under 35 U.S.C. §103(a) as being unpatentable over Flom et al. in view of Hsu et al. (U.S. Pat. No. 6,100,811).

The Office Action also rejected Claim 23 under 35 U.S.C. §103(a) as being unpatentable over Flom et al. in view of Saito et al. (U.S. Pat. Application Publication No. 2002/0034321).

The Office Action also rejected Claim 24 under 35 U.S.C. §103(a) as being unpatentable over Flom et al. in view of Doster (U.S. Pat. No. 5,956,122).

The Office Action also rejected Claim 25 under 35 U.S.C. §103(a) as being unpatentable over Flom et al. in view of Pare et al. (U.S. Pat. No. 6,662,166).

Applicant respectfully traverses the rejections in their entirety.

To more clearly claim that which Applicant regards as a novel aspect of the invention, Claims 2, 16, 18, 26, and 27 have been amended to clarify that a guide image is displayed before obtaining an object image. The flowchart in Figure 9 of the present application discloses that the guide image is displayed first (8300), and then a biometric image is obtained (8302). Flom, on the other hand, displays an image of the captured object (i.e., iris 30) (Figure 9) not a guide image as claimed.

As to claims 3-15, and 19-25, while Applicant disagrees that these claims are taught or suggested by the cited references, this argument need not be reached. Applicant submits that claims 3-15, 19-25 are allowable as a result of their dependence on independent claim 2 which has been amended to overcome the cited references.

As to claims 16, 17, and 26, Pare, Jr. et al. (U.S. Pat. No. 5,802,199) discloses a network-based biometric identification system. Like Flom, however, Pare does not disclose the technique of guiding the person being tested so that the object is in the proper position in terms of the guide image. Accordingly, it would not be easy for one skilled in the art to reach the technique taught in Claims 16, 17, and 26 by combining Flom and Pare.

Further, the present invention shows the guide image to the person being tested in order that the person is able to adjust the position. With this, it is possible to improve the speed of processing by reducing the amount of data to be processed, in comparison with a case in which the authentication apparatus judges if appropriate biometric data is obtained or not. This is a characteristic effect of the present invention that neither Flom nor Pare discloses.

Applicant submits that, as a result of the amendment and differences discussed above, independent claims 16 and 26 are patentably distinguishable over the cited references. Claim 17 is allowable as a result of its dependence on claim 16.

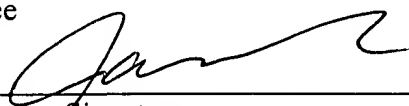
Applicant respectfully requests that the Examiner withdraw the rejection of claims 3-5, 7-17, and 19-26 under 35 U.S.C. § 103(a) as being unpatentable over the cited references.

Conclusion

In view of the amendments and remarks made above, it is respectfully submitted that the pending claims are in condition for allowance, and such action is respectfully solicited. Authorization is hereby given to charge our Deposit Account No. 19-2814 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such an extension.

I hereby certify that this document is being deposited on June 23, 2004 with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313

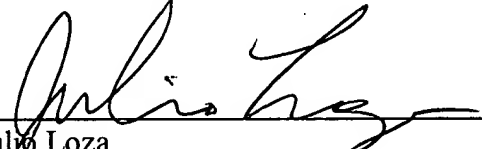
By: James Lee



Signature

Respectfully submitted,

Snell & Wilmer, L.L.P.



Julio Loza
Registration. No. 47,758
SNELL & WILMER L.L.P.
1920 Main St., Suite 1200
Irvine, CA 92614
Telephone: (949) 253-4924

Dated: June 23, 2004